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09/485,225	02/23/2000	XAVIER JOUBERT	061/088	1666

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 12/05/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/485,225

Applicant(s)

JOUBERT ET AL.

Examiner

Ruth C Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3,6-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,6-10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:  
  
C. Correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 3, 6-10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is insufficient antecedent basis for the limitations in the following claims.
  - a. Claim 10 recites the limitation "the free end" in the first line of the claim.
  - b. Claim 12 recites the limitation "the junction" in the ninth line of the claim.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 3, 7, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy (USPN 4,559,677) in view of Einhorn (USPN 4,010,794) and Lacore et al. (USPN 5,546,639).

Tracy discloses a hook (10) for a cable (12) comprising a finger grip end block (24) having a passage formed therethrough (Figure 2); the cable slidably received in the passage (Figures 1 and 2); the passage having an inlet end through which a straightened cable section passes and the passage further having an outlet end larger than the inlet end (Figure 2); a flat rigid metal having an inverted J-shaped first end section facing the outlet end and the inverted J-shaped first end section serving as a hook member (Figures 1, 2 and 4); and the flat metal having an opposite end section bent into a ring (22) embedded in the finger grip end block (C. 3, L. 14-20) and located in a plane generally perpendicular to the J-shaped first end section (Figure 4) where the ring serves to reinforce the finger grip end block. Tracy fails to disclose the use of flat rigid wire but it would have been obvious to one having ordinary skill in the art at the time of the applicant's invention that the flat rigid metal disclosed by Tracy will work equally as well as the flat rigid wire disclosed by the current application. Tracy also fails to disclose the use of an inlet duct, an outlet duct, a shoulder between the inlet duct and the outlet duct and crimped clip securing a folded end of the cable. Einhorn teaches a hook comprising an end (30) having a passage (31) that slidably receives a folded end (35) of a cable (33). The passage has an inlet duct (32) through which a straightened

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cable section passes (Figure 1) and an outlet duct (34) where the outlet duct is larger than the inlet duct and receiving the folded end of the cable. Finally, Einhorn teaches that the passage has a junction between the inlet and outlet ducts forming a shoulder serving as a stop abutment for the folded end of the cable when the cable is placed in tension (Figures 1 and 5). The passage is formed with an inlet duct, an outlet duct and a shoulder in order to receive a folded end of the cable within the end of the hook. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the hook disclosed by Tracy and modify the passage according to the teaching of Einhorn where the ring is placed around the stop abutment because the passage taught by Einhorn will simplify the connection of the cord to the hook by receiving a folded end of the cable in the stop abutment within the finger grip end block and the ring will reinforce the stop abutment. The combination of Tracy and Einhorn fails to disclose the use of a crimp clip secured to the folded end of the cable. Lacore et al. reveal a hook having a passage (4) having an aperture (5) in one side where the diameter of the aperture is less than the diameter of the aperture. The passage slidably receives a folded end of the cord (10) secured by a crimp clip (11) (C. 2, L. 43-45). The folded end secured with a crimp clip has a larger diameter than the aperture and prevents the removal of the cord from the aperture. It would have been obvious to one having ordinary skill in the art at the time the applicant's invention to use the hook disclosed by Tracy and a passage modified according to Einhorn facilitating the connection of the cord to the hook and further modify the folded end by providing a crimp clip that will secure the folded end as revealed by Lacore et al. because the

folded end secured with a crimp clip will have a diameter greater than the stop abutment and will prevent the removal of the cord.

Tracy discloses that the ring has an axis passing through a top of a curve of the J-shaped first end section (Figure 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ring surrounding the inlet duct in the vicinity of its junction with the outlet duct because the purpose of the ring is to reinforce the connection of the cord to the end block and by providing a stop abutment to majority of the stress will be concentrated at the junction therefore one of ordinary skill in the art will recognize that the ring should be provided at the inlet duct in the vicinity of the junction.

The finger grip end block disclosed by Tracy has lateral recesses and projections to form a finger grip (Figures 1 and 2).

Finally, Tracy discloses that a free end (45) of the J-shaped first end section is coated with extra injection material (C. 4, L. 3-4).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Einhorn and Lacore et al. as applied to claim 12 above, and further in view of Chou (USPN 5,920,963).

Tracy, Einhorn and Lacore et al. were combined to reject claim 12 having all the limitations mentioned above. The combination of Tracy, Einhorn and Lacore et al. fails to anticipate that the inlet duct is rounded to avoid injury to the cable. Chou demonstrates a rope fastener in the form of a rope clamp comprising an aperture (101) in the middle of the base (10) of the rope clamp. The cable is folded through the ends

(111,121) of the base next to the aperture where the ends are provided with smooth or rounded edges to avoid leaving any sharp edge which could injure the cable (C. 2, L. 19-28). It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention to use the hook disclosed by Tracy having a passage modified according to the teaching of Einhorn and having a folded end with a crimp clip as revealed by Lacore et al. and further modify the inlet duct by rounding the edges because the rounded or smooth edges prevents any injury to the cable.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy in view of Einhorn and Lacore et al. as applied to claim 12 above, and further in view of De Anfrasio (USPN 5,638,584).

Tracy, Einhorn and Lacore et al. were combined to reject claim 12 having all the limitations mentioned above. The combination of Tracy, Einhorn and Lacore et al. fails to suggest the use of a safety tongue fixed to the finger grip end block. De Anfrasio demonstrates a hook (2) comprising a flat metal wire reinforcement having a plastic covering (3) around the J-shaped first end of the hook (3b) and the plastic covering forming a finger grip end block (3a) (Figures 3 and 6). The finger grip end block connects a tilting safety tongue (3c) fixed to the finger grip end block for bearing against a free inside end of the hook (Figure 9). De Anfrasio demonstrates that the use of tilting safety tongues fixed to the finger grip end block is well known to one with ordinary skill within the hook art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the hook disclosed by Tracy, having a passage modified according to the teachings of Einhorn and a folded end having a crimp clip as

revealed by Lacore et al. and further modify the finger grip end block by providing a tilting safety tongue fixed to the finger grip end block as demonstrated by De Anfrasio because the use of tilting safety tongues is considered old within the art in order to provide an improved engagement between the hook and a supporting element because the safety tongue does not allow the disengagement of the hook from the supporting element.

### ***Response to Arguments***

8. Applicant's arguments filed 19 September 2001 have been fully considered but they are not persuasive.

9. The examiner recognized that the reference by Tracy can not be used alone to reject the newly added independent claim 12. The arguments presented by the applicant for the reference by Tracy are considered too narrow and not supported by claim 12. The applicant argues that "no suggestion in the patent that a metal reinforcing component can provide an abutment ring to improve the retaining of the cord, as is the case with the present invention. Claim 12 only recites "the ring serves to reinforce the finger grip end block". Tracy clearly discloses a ring (22) that serves to reinforce the finger grip end block (24) therefore, Tracy meets this limitation of the claim. The examiner agrees that the reference by Tracy does not disclose a stop abutment but the examiner relies on the teachings of Einhorn as a suggestion to modify the passage in order to facilitate the connection of the cable and the hook.



10. Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reference by De Anfrasio was only used for the rejection of claim 9. De Anfrasio clearly discloses the use of a tilting safety tongue fixed to the finger grip end block and bearing against the free inside end of the hook. Although De Anfrasio does not disclose an advantage for the safety tongue, the advantage of safety tongues are well known within the hook art. Therefore, the use of tilting safety hooks fixed to the finger grip block is clearly disclosed by the reference by De Anfrasio and the reason for using safety tongues in hooks is within the general knowledge of a person having ordinary skill in the art.

11. The examiner recognized that the reference by Einhorn alone can not be used for the rejection of claim 12. Once again, the applicant argues that there is no suggestion to combine the references by Einhorn with the reference by Tracy. The previous rejection did not provide a motivation to combine the two references. Thus the rejection is considered to be proper. Regarding to the applicant's arguments for the reference by McIntire and the reference by Wridge, the examiner acknowledges the lack

of motivation to combine these references with the reference by Tracy and the rejection for claims 3, 6-10 and 12 do not used for these references.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

British Patent Document GB 2 058 901 A (Eisler) is cited to show state of the art with respect to hooks made of injection synthetic material having a metal insert to reinforce the hook. Maillocheau (USPN 3,749,703), Esposito et al. (USPN 5,317,788)

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and Brody et al. (USPN 5,682,652) are cited to show state of the art with respect to hooks made of injected material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3620's facsimile number is (703) 308-3687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*RCR*  
rcr

November 23, 2001

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3626

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